

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-61

CHARLES MCCOLLUM, et al.,

Defendants.

**ORDER DESIGNATING CASE AS COMPLEX AND
GRANTING CONTINUANCE UNDER SPEEDY TRIAL ACT**

On March 11, 2014 a grand jury in this district returned an eight count indictment against eight defendants. Count one of the indictment charges all eight defendants with knowingly and intentionally conspiring to distribute 100 or more grams of heroin between January 1, 2010 and September 29, 2013. Counts two through eight charge several of the other defendants with distribution of heroin on particular days. On April 3, 2014, defendant Xavier Penny, joined by his co-defendants, moved to designate the case as complex. The government does not oppose the defendants' motion. The Court conducted a hearing on this motion on April 10, 2014.

In support of this motion, the defendants point to the voluminous discovery, the number of defendants, the lengthy duration of the conspiracy alleged, the serious nature of the charges and the high maximum penalties, and the general complexity of the issues presented. Regarding the volume of discovery, the defendants state that it includes four CDs of audio and video recordings of alleged controlled buys of drugs, recorded witness interviews, and telephone

records, and another CD containing over 1,100 pages of print discovery. The government further stated that it will be providing the defendants with additional discovery consisting of post-arrest reports and CDs containing “phone dumps.”

After reviewing the motion filed by the defendants and considering the parties’ arguments on the motion, the Court finds that based on the nature of the prosecution and the voluminous discovery, it is appropriate to grant this motion. Additionally, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), the Court finds that based on the complexity of this case, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial within the time limits set by the Speedy Trial Act. Further, the Court finds that under 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by taking this action outweigh the best interest of the public and the defendants in a speedy trial. Therefore, the time between April 10, 2014 and June 10, 2014, the date for filing pretrial motions, is excluded from the speedy trial deadline of 18 U.S.C. § 3161(c)(1).

NOW, THEREFORE, IT IS ORDERED that the defendants’ request to designate the case as complex (Docket # 42) is hereby **GRANTED**.

FURTHER, IT IS ORDERED that the time between the granting of this motion on April 10, 2014 and June 10, 2014, the date for filing pretrial motions, is excluded from the speedy trial deadline of 18 U.S.C. § 3161(c)(1).

FURTHER, IT IS ORDERED that the motion schedule will be as follows: all motions are to be filed by **June 10, 2014**; all responses are to be filed by **June 24, 2014**; and any replies are to be filed by **June 30, 2014**.

Dated at Milwaukee, Wisconsin this 10th day of April, 2014.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge